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MORGAN & FINNEGAN, L.L.P.			SELBY, GEVELL V	
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NEW YORK, NY 10281-2101			PAPER NUMBER	
			2615	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/266,253

Applicant(s)

UJIIE ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35, 50, 51 and 54-159 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35, 50, 51 and 54-159 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/05 has been entered.

Response to Arguments

1. Applicant's arguments filed 10/3/05 have been fully considered but they are not persuasive. The applicants submit the prior art fails to disclose the following limitations of the invention:

“a determination device that judges at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit or said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, individually, and that determines an operation of said driving device in accordance with a judgment result of said determination device” as claimed in claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133, and 147-157. The examiner respectfully disagrees.

Examiner's Reply:

Re 1) The Saito reference discloses all the claimed limitations of claim 1, including a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11,

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element 231 and column 13, lines 33-39); a determination device (system controller 16; see column 9, lines 49-54: the determination device judges whether the camera is in normal mode or remote mode according to whether the flag is set or not) that judges at least whether said image sensing apparatus is in an external control state (see column 9, line 63 to column 10, line 3: host computer-remote mode) in which said apparatus is controlled by an external controller unit (host computer 30) or said apparatus is in an image sensing state (normal mode) in which said apparatus is not controlled by the external controller unit, individually, and that determines an operation of said driving device in accordance with a judgment result of said determination device (see column 9, line 63 to column 10, lines 3: the host computer controlling the zoom in the remote mode). The Saito reference does not disclose whether the lens is moved to image sensing and non-sensing regions.

The Kobayashi reference teaches a driving device (zoom motor 10) that moves an image sensing optical system (zoom lens 11) to image sensing (33mm to 60mm) and a non-sensing (storage position) region (see column 9, lines 13-18, 43-49).

Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify Saito in view of Kobayashi to have a driving device that moves an image sensing optical system to image sensing and non sensing regions, in order to provide greater flexibility in operating a camera.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 15-22, 33-35, 50-51, 54-57, 62, 68-70, 72, 83-87, 89, 94, 100-102, 104, 115-120, 126, 131-133, and 145-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5, 136,320.

Regarding claims 1, 54, 69, 86, 101, 118 and 132, Saito et al teaches an image sensing apparatus (camera 10) that judges at least whether said image sensing apparatus is connected to an external device (host computer 30) through a memory card such that the operations of the image sensing apparatus, including image capture, are controlled by the external device (host computer 30), which reads on an external control state in which said apparatus is controlled by an external controller unit (col. 9, line 47-col. 10, line 3). The determination device is inherently taught because the camera judges whether the camera is in normal mode or remote mode according to whether the flag is set ^{or} ~~of~~ not (see column 9, lines 49-54. Saito also teaches that the image sensing apparatus can capture images when its shutter release button is pressed, which reads on an image sensing state in which said apparatus is not controlled by the external controller unit, individually (col. 9, lines 4-7). Saito therefore teaches that operations of the camera may be controlled individually or by an external device (see column 9, line 63 to column 10, line 3), which reads on determination of operations of the image sensing apparatus in accordance with whether the image sensing apparatus is controlled by an external device. Saito discloses a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11, element 231 and column 13, lines 33-39), but does not teach a driving

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device that moves an image sensing optical system to image sensing and non-image sensing regions.

Kobayashi teaches a driving device (zoom motor 10) that moves an image sensing optical system (zoom lens 11) to image sensing and non-image sensing regions (col. 9, lines 13-18, 43-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the driving device of Kobayashi into the image sensing apparatus that may be controlled individually or by an external device taught by Saito to make an image sensing apparatus that drives its optical system in accordance with the desires of its controller, whether the controller is an individual operator or an external unit. One of ordinary skill would have been motivated to make such a modification to provide greater flexibility in operating a camera.

Regarding claims 2, 55, 87, and 119, Saito teaches that when a camera is connected to the computer, which reads on the external control state, the computer sends controls the camera pertaining to image sensing (col. 9, line 47-col. 10, line 3). It would have been obvious to one of ordinary skill to move the optical system to the image sensing region when capturing images.

Regarding claim 3, 57, 89, and 120, Saito teaches that the host computer transmits shutter release commands to the camera (col. 9, line 47-col. 10, line 3), which reads on an external control state in which the external controller unit transmits an image sensing signal to the camera. It would have been obvious to one of ordinary skill to move the optical system to the image sensing region when capturing images.

Regarding claim 15, Kobayashi et al teaches that the non-image sensing region includes a position where said optical system is stored (col. 9, lines 15-18).

Regarding claim 16, Kobayashi et al teaches that the non-image sensing region includes a predetermined position where the optical system is collapsed in a body of said image sensing apparatus (col. 9, lines 15-16, and Fig. 3)

Regarding claims 17, 68, 100, and 131, Saito teaches that a computer may control the operation of the camera, which reads on an external control state in which an external computer controls the camera (col. 9, line 63-col. 10, line 3).

Regarding claim 18, Kobayashi et al teaches that said driving device includes a motor (zoom motor 10) (col. 9, lines 43-49).

Regarding claim 19, Saito et al teaches a camera that judges at least whether said camera is connected to an external device (host computer 30) through a memory card such that the operations of the image sensing apparatus, including image capture, are controlled by the external device (host computer 30), which reads on an external control state in which said apparatus is controlled by an external controller unit (col. 9, line 47-col. 10, line 3). The determination device is inherently taught because the camera judges whether the camera is in normal mode or remote mode according to whether the flag is set ^{or} ~~of~~ not (see column 9, lines 49-54. Saito also teaches that the image sensing apparatus can capture images when its shutter release button is pressed, which reads on an image sensing state in which said apparatus is not controlled by the external controller unit, individually (col. 9, lines 4-7). Saito therefore teaches that operations of the camera may be controlled individually or by an external device (see column 9, line 63 to column 10,

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line 3), which reads on determination of operations of the image sensing apparatus in accordance with whether the image sensing apparatus is controlled by an external device. Saito discloses a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11, element 231 and column 13, lines 33-39), but does not teach a driving device that moves an image sensing optical system to image sensing and non-image sensing regions.

Kobayashi teaches a driving device (zoom motor 10) that moves a photographing optical system (zoom lens 11) to photographing and non-photographing regions (col. 9, lines 13-18, 43-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the driving device of Kobayashi into the image sensing apparatus that may be controlled individually or by an external device taught by Saito to make an image sensing apparatus that drives its optical system in accordance with the desires of its controller, whether the controller is an individual operator or an external unit. One of ordinary skill would have been motivated to make such a modification to provide greater flexibility in operating a camera.

Regarding claims 20, 70, 102, and 133, Saito et al teaches an image sensing apparatus (camera 10) that judges at least whether said image sensing apparatus is connected to an external device (host computer 30) through a memory card such that the operations of the image sensing apparatus, including image capture, are controlled by the external device (host computer 30), which reads on an external control state in which said apparatus is controlled by an external controller unit (col. 9, line 47-col. 10, line 3). The

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determination device is inherently taught because the camera judges whether the camera is in normal mode or remote mode according to whether the flag is set ~~or~~^{off} not (see column 9, lines 49-54. Saito also teaches that the image sensing apparatus can capture images when its shutter release button is pressed, which reads on an image sensing state in which said apparatus is not controlled by the external controller unit, individually (col. 9, lines 4-7). Saito therefore teaches that operations of the camera may be controlled individually or by an external device (see column 9, line 63 to column 10, line 3), which reads on determination of operations of the image sensing apparatus in accordance with whether the image sensing apparatus is controlled by an external device. Saito discloses a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11, element 231 and column 13, lines 33-39), but does not teach a driving device that moves an image sensing optical system to image sensing and non-image sensing regions.

Kobayashi teaches a driving device (zoom motor 10) that moves an image sensing optical system (zoom lens 11) in extending and retracting directions (col. 9, lines 43-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the driving device of Kobayashi into the image sensing apparatus that may be controlled individually or by an external device taught by Saito to make an image sensing apparatus that drives its optical system in accordance with the desires of its controller, whether the controller is an individual operator or an external unit. One of ordinary skill would have been motivated to make such a modification to provide greater flexibility in operating a camera.

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Regarding claims 21, 71, 103, and 134, Saito teaches that when a camera is connected to a computer, which reads on the external control state, the computer controls the camera to effect image sensing (col. 9, line 47-co1. 10, line 3). It would have been obvious to one of ordinary skill to extend the image sensing optical system out from the camera body when capturing images.

Regarding claims 22, 73, 105, and 135, Saito teaches that the camera receives shutter release commands from the host computer 12, which reads on an external state in which the external controller unit transmits an image sensing signal to the camera 10 (col. 9, line 47-co1. 10, line 3). It would have been obvious to one of ordinary skill to extend image sensing optical system out from the camera body when capturing images.

Regarding claims 33, 84, 116, and 146, Saito teaches that a computer may control the camera, which reads on an external control state (col. 9, line 47-co1. 10, line 3).

Regarding claim 34, Kobayashi et al teaches that said driving device includes a motor (zoom motor 10) (col. 9, lines 43-49).

Regarding claims 35, 85, 117, and 146, Saito et al teaches a camera that judges at least whether said camera is connected to an external device (host computer 30) through a memory card such that the operations of the image sensing apparatus, including image capture, are controlled by the external device (host computer 30), which reads on an external control state in which said apparatus is controlled by an external controller unit (col. 9, line 47-co1. 10, line 3). The determination device is inherently taught because the camera judges whether the camera is in normal mode or remote mode according to whether the flag is set ^{or} not (see column 9, lines 49-54. Saito also teaches that the image

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sensing apparatus can capture images when its shutter release button is pressed, which reads on an image sensing state in which said apparatus is not controlled by the external controller unit, individually (col. 9, lines 4-7). Saito therefore teaches that operations of the camera may be controlled individually or by an external device (see column 9, line 63 to column 10, line 3), which reads on determination of operations of the image sensing apparatus in accordance with whether the image sensing apparatus is controlled by an external device. Saito discloses a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11, element 231 and column 13, lines 33-39), but does not teach a driving device that moves an image sensing optical system to image sensing and non-image sensing regions.

Kobayashi teaches a driving device (zoom motor 10) that moves a photographing optical system (zoom lens 11) in extending and retracting directions (col. 9, lines 43-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the driving device of Kobayashi into the camera that may be controlled individually or by an external device taught by Saito to make a camera that drives its photographing optical system in accordance with the desires of its controller, whether the controller is an individual operator or an external unit. One of ordinary skill would have been motivated to make such a modification to provide greater flexibility in operating a camera.

Regarding claims 50, 51, and 148-159, because the apparatus of claims 1, 20, 54, 69, 70, 85, 86, 101, 133, 117, 118, 132, 102 and 133, respectively, are taught, the control method corresponding to the apparatus is also taught.

Regarding claims 62, 94, and 126, Saito in view of Kobayashi teaches the apparatus of claims 54, 86, and 118, respectively. See above. Saito in view of Kobayashi discloses the image sensing optical system is driven to the non-image sensing region in response to the completion of an image sensing operation in the first state (see Kobayashi: column 16, lines 37-50: When the camera goes into a non-use condition for the lens, the zoom lens is retracted into the camera body).

Regarding claims 72 and 104, Saito in Saito in view of Kobayashi teaches the apparatus of claims 70 and 102, respectively. See above. Saito in view of Kobayashi discloses the image sensing optical system is driven to move in, in response to the completion of an image sensing operation in the first state (see Kobayashi: column 16, lines 37-50: When the camera goes into a non-use condition for the lens, the zoom lens is retracted into the camera body).

3. Claims 4-6, 10, 11, 23-25, 27-29, 58-60, 63, 64, 74-76, 78-80, 90-92, 95, 96, 106-108, 110-112, 121-123, 127, 136-138, and 140-142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320, and further in view of Takahashi, U.S. Patent 5,210,567.

Regarding claims 4, 58, 90, 121, Saito in view of Kobayashi teach the apparatus of claim 3. See above. Saito in view of Kobayashi do not teach the driving of said optical system to the non-image sensing region in response to a completion of an image sensing operation.

Takahashi teaches the retraction of a lens to a rest position a predetermined time period after an image capture (col. 2, lines 40-52), which reads on the driving of an

optical system to a non-image sensing region in response to a completion of an image sensing operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the practice of positioning the optical system in the non-image sensing region following the completion of an image capture taught by Takahashi to make an apparatus that retracts the lens once image capture has been completed. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 5, 10, 59, 63, 91, 95, and 122, Saito in view of Kobayashi teach the apparatus of claim 3. See above. Saito in view of Kobayashi do not teach a timer for causing said driving device to drive said image sensing optical system to the non-image sensing region a predetermined time period after a completion of an image sensing operation.

Takahashi teaches the retraction of a lens to a rest position a predetermined time period after an image capture (col. 2, lines 40-52). The timer is inherently taught.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the technique of Takahashi to make an image sensing apparatus with a timer that retracts the lens to a non-image sensing position once a predetermined time period following an image capture has elapsed, whether the apparatus is in the external control state or not. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 6, 11, 60, 64, 92, 96, 123, and 127, Takahashi teaches the retraction of lens to a rest position after the elapse of a predetermined time period following the last image capture (col. 2, lines 40- 52). It would have been obvious to one of ordinary skill that if another image were captured before the predetermined time period elapses, the timer resets in accordance with the most recent image captured, and the lens would remain in the extended position.

Regarding claims 23, 74, 106, 136, Saito in view of Kobayashi teach the apparatus of claim 22, 73, 105, and 135, respectively. See above. Saito in view of Kobayashi do not teach the retraction of optical system in response to a completion of an image sensing operation.

Takahashi does teach the retraction of a camera lens a predetermined time period after an image capture (col. 2, lines 40-52), which reads on the retraction of the lens in response to a completion of an image sensing operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the practice of retracting the optical system following the completion of an image capture taught by Takahashi to make an apparatus that retracts the lens after image capture has been completed. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 24, 75, 107, and 137, Saito in view of Kobayashi teach the apparatus of claim 22, 73, 105, and 135. See above. Saito in view of Kobayashi do not

teach a timer for causing the retraction of said optical system a predetermined time period after an image capture.

Takahashi teaches the retraction of a camera lens a predetermined time period after an image capture (col. 5, lines 23-28). The timer is inherently taught.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the technique of Takahashi to make an image sensing apparatus that retracts the lens after a predetermined time period following an image capture has elapsed. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 25, 76, 108, and 138, Takahashi teaches the retraction of lens to a rest position after the elapse of a predetermined time period following the last image capture (col. 5, lines 23-28). It would have been obvious to one of ordinary skill that if another image were captured before the predetermined time period elapses, the timer resets in accordance with the most recent image captured, and the lens would remain in the extended position.

Regarding claims 27, 78, 110, and 140, Saito in view of Kobayashi teach the apparatus of claims 20, 70, 102, and 133, respectively. See above. Saito in view of Kobayashi do not teach the retracting of said optical system in response to a completion of an image sensing operation.

Takahashi does teach the retraction of a camera lens a predetermined time period after an image capture (abstract; col. 5, lines 23-28), which reads the retraction of an optical system in response to a completion of an image sensing operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the practice of retracting the optical system following the completion of an image capture taught by Takahashi to make an apparatus that retracts the lens after image capture has been completed, whether the camera is in an external control state or not. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 28, 79, 111, and 141, Saito in view of Kobayashi teach the apparatus of claims 22, 73, 105, and 135, respectively. See above. Saito in view of Kobayashi do not teach a timer for causing the optical system to be retracted a predetermined time period after a completion of an image sensing operation when the apparatus is in the external control state.

Takahashi teaches the retraction of a camera lens a predetermined time period after an image capture (col. 5, lines 23-28). The timer is inherently taught.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the technique of Takahashi to make an image sensing apparatus with a timer that retracts the lens once a predetermined time period following an image capture has

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elapsed. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 29, 80, 112, and 142, Takahashi teaches the retraction of lens to a rest position after the elapse of a predetermined time period following the last image capture (col. 5, lines 23-28). It would have been obvious to one of ordinary skill that if another image were captured before the predetermined time period elapses, the timer resets in accordance with the most recent image captured, and the lens would remain in the extended position.

4. Claims 7-8, 12-14, 26, 30-32, 56, 61, 65-67, 77, 81-83, 88, 93, 97-99, 109, 113-115, 125, 124, 128-130, 139, and 143-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320, and further in view of Hashimoto et al, U.S. Patent 6,344,875.

Regarding claims 7,8, 56, 61, 88, 93, 124, and 125, Saito in view of Kobayashi teach the apparatus according to claims 1, 54, 86, and 118, respectively. See above. Kobayashi teaches that the image sensing optical system is positioned in a non-image sensing region during a non-image sensing state, which reads on the prevention of the optical system from being driven to the image sensing state (col. 16, lines 38-5). Saito teaches a digital camera with a memory for storing digital images (col. 9, lines 13-17). Saito in view of Kobayashi do not teach that the image sensing optical system is in the non-image sensing region when the apparatus is in the external control state.

Hashimoto teaches that when a computer controls the camera, it is limited to transmitting and receiving images, which reads on non-image sensing states (col. 10, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the practice of positioning optical systems in the non-image sensing position when the apparatus is in a non-image sensing mode taught by Saito in view of Kobayashi with the use of external control states taught by Hashimoto to make an apparatus that positions the optical system in the non-image sensing region when the camera is transmitting or receiving images in the external control state. One of ordinary skill would have been motivated to make such a modification to safeguard the lens when it is not in use.

Regarding claims 12, 65, 97, and 128, Saito in view of Kobayashi teach the apparatus according to claim 1. See above. Kobayashi teaches that the image sensing optical system is positioned in a non-image sensing region during a non-image sensing state (col. 16, lines 38-50). Saito in view of Kobayashi do not teach a reproduction state.

Hashimoto teaches a state in which to play images, which reads on the reproduction state (col. 10, lines 34-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a non-image sensing reproduction state taught by Hashimoto into the apparatus which stores the optical system during non imaging sensing states taught by Saito in view of Kobayashi to make an apparatus that positions the optical system in the non sensing image region during the reproduction

state. One of ordinary skill would have been motivated to make such a modification to safeguard the lens when it is not in use.

Regarding claims 13, 66, 98, and 129, Hashimoto teaches an operation device that selectively sets the apparatus into at least the external control and image sensing states, wherein said operation device is provided on an exterior of said image sensing device, which reads on a position where a user can operate the operation device (Fig. 13B).

Regarding claims 14, 67, 99, and 130, Hashimoto teaches a signal processing device (digital signal processing circuit 11) that converts an optical image formed by the optical system into an electrical signal for photography and display (col. 6, lines 50-61).

Regarding claims 26, 77, 109, and 139, Saito in view of Kobayashi teach the apparatus according to claims 20, 70, 102, and 133, respectively. See above. Kobayashi teaches that the image sensing optical system is positioned in a non-image sensing region during a non-image sensing state, which reads on the prevention of the optical system being driven in the extending direction (col. 16, lines 38-50). Saito in view of Kobayashi do not teach that the image sensing optical system is in the non-image sensing region when the apparatus is in the external control state.

Hashimoto teaches that when a computer controls the camera, it is limited to transmitting and receiving images, which reads on non-image sensing states (col. 10, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the practice of positioning optical systems in the non-image sensing position when the apparatus is in a non-image sensing mode taught by

Saito in view of Kobayashi with the use of non-image external control states taught by Hashimoto to make an apparatus that prevents the optical system from being driven in the extended direction when the camera is transmitting or receiving images in the non-image sensing external control state. One of ordinary skill would have been motivated to make such a modification to safeguard the lens when it is not in use.

Regarding claims 30, 81, 113, 143, Saito in view of Kobayashi teach the apparatus according to claim 20, 70, 102, and 133, respectively. See above. Kobayashi teaches that the image sensing optical system is positioned in a non-image sensing region during a non-image sensing state, which reads on the prevention of the optical system being driven from the extending direction (col. 16, lines 38-50). Saito in view of Kobayashi do not teach a reproduction state.

Hashimoto teaches a state in which to play images, which reads on the reproduction state (col. 10, lines 34-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a non-image sensing reproduction state taught by Hashimoto into the apparatus which stores the optical system during non imaging sensing states taught by Saito in view of Kobayashi to make an apparatus that prevents the optical system from moving in the extending direction during the reproduction state. One of ordinary skill would have been motivated to make such a modification to safeguard the lens when it is not in use.

Regarding claims 31, 82, 114, and 144, Hashimoto teaches an operation device that selectively sets the apparatus into at least either one of the image sensing and

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external control states, said device being provided on an exterior of said image sensing device (Fig. 13B).

Regarding claims 32, 83, 115, and 145, Hashimoto teaches a signal processing device (digital signal processing circuit 11) that converts an optical image formed by the optical system into an electrical signal for photography and display (col. 6, lines 50-61).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320, and further in view of Prentice et al, U.S. Pub. No. 2003/0030729.

Regarding claim 9, Saito in view of Kobayashi teach the apparatus of claim 1. See above. Saito in view of Kobayashi do not teach that in the external control state, the image sensing optical system is driven to the image sensing region in response to the completion of an image sensing operation.

Prentice et al teaches that the host computer 12 instructs the camera 10 when to take motion pictures [0024], and it would have been obvious to one of ordinary skill to drive the optical system to and within the image sensing region in response to a completion of an image sensing apparatus to effect focus for the next motion image to be captured.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of enabling a computer to transmits motion image capturing commands to a camera taught by Prentice into the apparatus of Saito in view of Kobayashi to make an image sensing apparatus that can be controlled by an external device to capture motion images. One of ordinary skill would

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have been motivated to make such a modification to enable a computer to control various imaging parameters in a camera.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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gvs

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER